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Richard Crowley  
Vice Chairman

Robert Anderson  
Administrator

### Minutes

#### **Board of Building Regulations and Standards (BBRS) Ashburton Café, One Ashburton Place, Boston MA 02108 March 3, 2015 at 1:00 p.m.**

1. RC acting as chair opened the meeting (1:03) and took Roll Call as indicated below:

|                                |   |  |  |
|--------------------------------|---|--|--|
| Brian Gale Chair (BG)          | <input type="checkbox"/> present x absent | Structural Engineer ( <i>open slot</i> )       | <input type="checkbox"/> present <input type="checkbox"/> absent |
| Richard Crowley V-Chair (RC)   | x present <input type="checkbox"/> absent | Thomas Perry (TP)                              | <input type="checkbox"/> present x absent                        |
| Tom Riley (TR) for R. Anderson | x present <input type="checkbox"/> absent | J. Nunnemacher (JN) for S. Coan                | x present <input type="checkbox"/> absent                        |
| Kevin Gallagher (KG)           | x present <input type="checkbox"/> absent | General Contractor of Commercial or Industrial |  |
| Jerry Ludwig (JL)              | <input type="checkbox"/> present x absent | Buildings ( <i>open slot</i> )                 | <input type="checkbox"/> present <input type="checkbox"/> absent |
| Alexander MacLeod (SM)         | x present <input type="checkbox"/> absent | Harry Smith (HS)                               | x present <input type="checkbox"/> absent                        |

Also in attendance were Deirdre Ann Hosler (DH), and Mike Guigli (MG) from DPS.

General notes on format:

- votes are noted as (Motion by, Second by, All) if the vote, by all member present for the vote, is unanimous followed by the time and
- agenda topics appear herein as numbered but may have been taken out of order as indicated by the time.

2. The January 13, 2015 meeting minutes as found in Exhibit A were review and approved. (SM, JN, All) 1:04
3. Status update or review and/or approval of action items from previous meetings:
- Discussion on edits to May 13, 2014 white papers on cost and effectiveness of building code requirements in 3 to 6 unit residential buildings were tabled. (HS, TR, All) 1:05
  - An overview of the building department complaint investigation methodology was provided by RA. He summarized the DPS review of the Huntington and Falmouth building departments. The reports on these complaint investigations were emailed to the BBRS as Exhibits B and C. RA indicated the report on the Huntington department cited process deficiencies and noted improvements which should be made. He also noted that follow up by DPS is done to assess progress. No action was required or requested from the BBRS on this topic.
  - TR noted that he will provide an official interpretation on window replacement for commercial buildings, including a code analysis, at the April 14, 2015 meeting and this topic was tabled until then. (SM, HS, All) 1:05.
  - Review of enforcement of M.G.L. c. 148, §26G was discussed. This topic has been an open action since the September 2014 meeting. The request by the MA Federation of Building Officials to have DPS conduct a survey on the consistency of compliance of this general law was approved at that meeting. The potential benefits of survey information were expressed by RC and SM, while JN noted that this information is not necessary because the Sprinkler Appeals Board deals with issues that arise with regard to the law and has a guidance document as well. DH noted that although building officials have no enforcement authority with the sprinkler law, there is nothing that prevents the BBRS from seeking information requested by MFBO. It was noted that the fire chief has the

enforcement authority of this M.G.L. A motion to have the BBRS communicate on this issue with the Sprinkler Appeals Board was approved. (HS, TR, All) 1:46

- e. MG noted that the issuance of BBRS/DPS e-memo communications has increased in number as a result of requests by building officials and stakeholders for more BBRS news. The BBRS approved a request received by MG at a training session to builders on the Cape to create a DPS web page as a repository for past and future e-memos. (HS, SM, All) 1:21.
4. Review of 780 CMR 9<sup>th</sup> edition update:
  - a. There was no discussion of Executive Order 485, BCCC, and timing of the 9<sup>th</sup> edition 780 CMR.
  - b. MG noted that two changes (fuel gas code reference and floor elevation certification for construction in flood areas) were made to the previously approved 780 CMR Base Volume Chapter 1. These changes were viewed in Exhibit D.
  - c. TR provided background on work that Staff completed with respect to some I- and R-Uses; including but not limited to Lodging Houses, Child Day Care, Adult Day Care, and Boarding Houses. These were items highlighted in green as found in Exhibit E. He noted it is apparent that the *International Building Code 2015* (IBC) carves out lower risk categories of these uses and that the IBC allows an I-4 Use providing less than 24-hr custodial care for 5 or fewer occupants or an owner occupied R-3 Lodging House with 5 or fewer guest rooms a compliance path via the *International Residential Code 2015* (IRC). He also pointed out where exception to a particular Use, like Family Child Care Homes and Large Family Child Care Homes, was necessary based on certain M.G.L. provisions. JN pointed out that a care facility definition was not included as requested by the BBRS last month. In response DH noted that creation of a unique MA definition for a ‘Care Facility’ was considered but not proposed by Staff because the IBC uses this generic phrase (as in Section 310.5.1) as a catch all for a facility that does not fit anywhere else. JN noted that it would be useful to have the advisory committees review these proposals and the BBRS approved an action for Staff to disseminate the draft IBC 2015 Chapter 2 to 35 MA amendment file to the BBRS, its advisory committees, and others as Staff deems necessary (JN, TR, All) 2:45.

With respect to the NIGHTCLUB definition (as found in the 8<sup>th</sup> edition and currently proposed in the 9<sup>th</sup> edition) TR described a situation in which a guitar music performance in this meeting room could meet the definition. Steven Rourke noted that an interpretation like TR described is unreasonable and DH responded that the definition as written is problematic because the interpretation could readily be made. An action for Staff to work with DFS and propose an alternate definition for BBRS consideration was approved. (SM, KG, All) 2:53

    - i. Chairs of the Fire Prevention and Fire Protection (R. Carasitti) and Chapter 34 Advisory Committee (M. DiMascio) provided a summary of the code development work of their respective committees. They entertained some questions but no additional specific actions on the 9<sup>th</sup> edition were assigned. (2:18 to 2:35)
  - d. There was no discussion on draft Chapter 51 (IRC) MA amendments proposals.
  - e. There was no discussion on Chapter 110 proposals for Concrete Test Labs, Manufactured Buildings, Native Lumber, and CSL.
  - f. MG noted that Exhibit E contains a MA amendment for Appendix 115 AA Stretch Code which in essence directs the reader to either 780 CMR Chapter 13 or Chapter 51 for commercial or residential buildings, respectively.
5. Issuance of 89 new Construction Supervisor Licenses (CSL) in January 2015 and CSL reinstatements for medical reasons for William Casey CS-082215 and John McMahon CS-096017 were approved. (SM, HS, All) 2:56
6. An incident pertaining to light reflection from replacement windows impinging on vinyl siding of an adjacent building was presented by KG. This occurred in Whitman and the evidence was viewed in Exhibits F, G, H, I, J, and K. He provided background as follows: Windows replaced 6 years ago; vinyl distortion noticed and affected vinyl replaced 4 years ago, and melting of the vinyl siding and fire ignition of the wood shakes inboard of the vinyl siding on January 13, 2015. The fire investigation deemed the incident as: accidental fire caused by reflected concentrated sunlight. KG noted that although there have been several cases of window/siding interaction in MA this may be the first in which an actual building fire has occurred. BBRS approved an action to forward the photos of this Whitman incident to TR’s contact at DOE and discuss with the Commissioner of DPS if more work at the state level is required. (TR, HS, All) 3:13
7. MG summarized an email from a sign company in which a city was requiring a CSL for the installation of a sign. The email noted that this is outside the scope of the CSL requirements. The email as Exhibit L was forwarded to the

BBRS for review prior to the meeting. An action for Staff to draft an e-memo indicating that a CSL is not required to install signs and forward to building officials and stakeholders was approved. (TR, HS, All ) 3:17

8. HS noted that a seminar opportunity on remote voting on International Code Council (ICC) hearings is available free of charge. Staff took an action to forward the meeting notice to the BBRS. (3:18). He also discussed Exhibits M and N which are code change proposals for the residential energy code requirements and put forward by the homebuilders. M concerns revisions to the duct leakage testing and the N raises the required maximum air changes per hour (ACH) in new buildings from 3 to 5. TR noted that the BBRS may not be allowed to lessen the requirements of the IECC 2012. Although the proposals were written to change the 8<sup>th</sup> edition the BBRS directed staff to consider these proposals for the 9<sup>th</sup> edition only, vet the technical requirements, determine if lessening requirements is allowed and review the merits of each proposal with DOER. (TR, HS, All) 3:27
9. MG displayed Exhibit O which showed revisions to the membership of the BBRS and its advisory committees. The revisions were due to resignations of certain members and recent appointments to positions. No action was required by the BBRS.
10. Exhibit P containing TR recommendations on concrete testing laboratory (CTL) renewal applications was emailed to the BBRS. All applications were approved, except three shown in strikeout, consistent with TR's recommendations. (SM, HS, All) 3:28
11. TR noted that DPS will provide training to building officials in May and proposed training on, and development of, a Table 110 Inspections Checklist to be used state-wide. The BBRS approved this task and Staff took an action to draft the Checklist for BBRS consideration at an upcoming meeting. (HS, SM, All) 3:29
12. TR provided background on his review of lower appeals board decisions. He noted 'attachments' pertinent to the decision are often not forwarded for review. He revised the form as found in Exhibit Q. No BBRS action was requested.
13. DH noted that the Sheet Metal Workers Local 17 vs. the BBRS and Board of Examiners of Sheet Metal Workers issue has been forwarded to Douglas S. Martland in the Attorney General's office. The issue concerns the BBRS official interpretation on exterior walls and the building envelope. (3:31)
14. There were no other matters not reasonably anticipated 2 business days in advance of meeting.
15. The meeting was adjourned. (HS, TR, All) 3:33

**Exhibits** (listed as file names)

- A. BBRS Minutes January 13, 2015 (Approved March 3, 2015)
- B. Building\_Falmouth Report Final\_RA.1
- C. Building\_Huntington Department Review Final Report
- D. 2014\_04\_Chapter\_01\_Staff\_redline\_2015\_01\_08
- E. 2014\_04\_Chapter\_02\_to\_35\_Staff\_redline\_2015\_03\_03
- F. 1-20-2015
- G. 94 charles street Whitman fire january 13 2015 fire peaking out of just under vinyl siding (3)
- H. KG4
- I. panoramic
- J. Tyvex 3
- K. house
- L. Email Request from Sign Company\_01\_12\_2015
- M. form-bbbs-code-amendment - Duct Leakage
- N. form-bbbs-code-amendment massachusetts bbbs
- O. Members\_BBRS\_and\_BBRS\_Advisory\_Committees\_03\_03\_2015
- P. 2015-1 Approved CTLS and Contacts 2 26 15
- Q. Appeals Board Checklist\_2015\_03\_03